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MSHA publishes proposed rule on civil penalty assessments

Proposal simplifies process, improves consistency with emphasis on more serious conditions

ARLINGTON, Va. – The U.S. Department of Labor’s Mine Safety and Health Administration announced today it will publish a proposed rule that would amend its existing civil penalty regulations by simplifying the criteria for assessing health and safety violations and increasing emphasis on more serious safety and health conditions, thus providing improved safety and health for miners. The proposed rule will be published in the *Federal Register* on July 31.

“This proposed rule would simplify the process and increase consistency, objectivity and efficiency in the citations and orders that inspectors issue. Furthermore, it would facilitate improved compliance and early resolution of enforcement issues,” said Joseph A. Main, assistant secretary of labor for mine safety and health.

MSHA’s proposal is structured to encourage operators to be more accountable and proactive in addressing safety and health conditions at their mines. Under the proposal, total penalties proposed by MSHA and the distribution of the penalty amount by mine size would remain generally the same; however, the penalty amount for small metal and nonmetal mines would decrease. The existing minimum penalty of \$112 and the maximum penalty of \$70,000 for non-flagrant violations would not change, but minimum penalties for unwarrantable failure violations – that is, violations that constitute more than just ordinary negligence – would increase to provide a greater deterrent for mine operators who allow these violations to occur.

In early 2010, Main [testified before Congress](#) about the growing backlog of contested civil penalty cases. Among the solutions he proposed was making the evaluation and writing of citations simpler, more objective, clear and consistent. The following year, President Obama [issued an Executive Order](#) requiring agencies to review and simplify their regulations. The proposed rule is responsive to those concerns.

“MSHA has implemented a number of initiatives to encourage mine operators to find and fix conditions and practices that could lead to violations, and we believe those efforts have led to improved safety and health conditions in mines,” said Main. “The number of violations cited by MSHA has decreased, as has the backlog of contested cases. The proposed rule will improve the civil penalty process, and we welcome comments from the entire mining community.”

The department encourages all interested parties to view the proposed rule at <https://www.federalregister.gov/public-inspection> and submit comments <http://www.regulations.gov>. The regulation identification number is 1219-AB72. Comments must be received within 60 days following publication in the *Federal Register*.

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